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Mr John McKee
General Manager
Ku-ring-gai Council
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Our ref: PP_2014_KURIN_005_00 (14/16084)
Your ref: D03211049

Dear Mr McKee

Planning proposal to amend draft Ku-ring-gai Local Environmental Plan 2013

I am writing in response to your Council's letter dated 10 June, 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to make amendments to the draft Ku-ring-gai Local Environmental Plan 2013 ('draft Plan'), once finalised, that rectifies anomalies, refines local clauses and incorporates amendments arising from submissions to the exhibition of the draft Plan.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conversation, 3.1 Residential Zones and 4.3 Flood Prone Land, are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Michael Druce of the Planning and Environment Metropolitan Delivery Office to assist you. Mr Druce can be contacted on (02) 9860 1544.

Yours sincerely

2/10/14

Rachel Cumming
Director, Metropolitan Delivery
Planning Services

Gateway Determination

Planning proposal (Agency Ref: PP_2014_KURIN_005_00): to make amendments to the draft Ku-ring-gai Local Environmental Plan 2013 ('draft Plan'), once finalised, that rectifies anomalies, refines local clauses and incorporates amendments arising from submissions to the exhibition of the draft Plan.

I, the Director, Metropolitan Delivery (Parramatta), Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the draft Ku-ring-gai Local Environmental Plan 2013 ('draft Plan'), once finalised, that rectifies anomalies, refines local clauses and incorporates amendments arising from submissions to the exhibition of the draft Plan should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to amend the planning proposal to include:
 - 1.1 an additional sentence in Part 1 – Objective and Intended Outcomes, (following the first sentence of the first paragraph) that indicates that the amendments will apply to the finalised Ku-ring-gai Local Environmental Plan 2014; and
 - 1.2 the reason(s), under the Explanation of Provisions (Part 2 of the Planning Proposal), to clarify why the amendments identified as items 2 and 3 are proposed.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:
 - Office of Environment and Heritage,
 - NSW Rural Fire Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



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4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of October 2014.

R Cumming

Rachel Cumming
Director, Metropolitan Delivery
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning